

Alfredo A. Bismonte (Cal. Bar. No. 136154)
Kimberly P. Zapata (Cal. Bar. No. 138291)
BECK, BISMONTE & FINLEY, LLP
150 Almaden Blvd, 10th Floor
San Jose, CA 95113
Tel: (408) 938-7900
Fax: (408) 938-0790
Email: abismonte@beckllp.com
kzapata@beckllp.com

Wesley W. Whitmyer Jr. (*pro hac vice*)
Michael J. Kosma (*pro hac vice*)
Stephen F. W. Ball (*pro hac vice*)
Robert D. Keeler (*pro hac vice*)
Christopher J. Stankus (*pro hac vice*)
WHITMYER IP GROUP LLC
600 Summer Street
Stamford, Connecticut 06901
Tel: (203) 703-0800
Fax: (203) 703-0801
Email: litigation@whipgroup.com
mkosma@whipgroup.com
sball@whipgroup.com
rkeeler@whipgroup.com
cstankus@whipgroup.com

Attorneys for Plaintiff,
Karl Storz Endoscopy-America, Inc.

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

KARL STORZ ENDOSCOPY-AMERICA,
INC.,

Plaintiff,

v.

STRYKER CORPORATION and
STRYKER COMMUNICATIONS, INC.,

Defendants.

Case No. 3:14-CV-00876-RS

**DECLARATION OF MICHAEL J.
KOSMA IN SUPPORT OF KSEA'S
MOTION TO STRIKE PORTIONS
OF DEFENDANTS' INVALIDITY
CONTENTIONS AND FIRST
SUPPLEMENTAL RESPONSE TO
INTERROGATORY NO. 7**

Case No. 3:14-CV-00876-RS

DECLARATION OF MICHAEL J. KOSMA IN SUPPORT OF KSEA'S MOTION TO
STRIKE PORTIONS OF DEFENDANTS' INVALIDITY CONTENTIONS AND FIRST
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7

1 I, Michael J. Kosma, declare as follows:

2 1. I am an attorney at the law firm Whitmyer IP Group LLC.

3 2. I represent KARL STORZ ENDOSCOPY-AMERICA, INC. (“KSEA”) in this
4 case and I am familiar with the facts stated herein and, if called to testify, would competently
5 testify thereto.

6 3. Stryker served its initial invalidity contentions on KSEA on October 31, 2014, its
7 First Supplemental Invalidity Contentions on May 18, 2016, and its (current) Second
8 Supplemental Invalidity Contentions on September 30, 2016.

9 4. Attached hereto as **Exhibit 1** is a true and correct copy of Stryker’s Second
10 Supplemental Invalidity Contentions, served to KSEA on September 30, 2016.

11 5. Attached hereto as **Exhibit 2** is a true and correct copy of Stryker’s First
12 Supplemental Response to KSEA’s Interrogatory Number 7, served to KSEA on August 18,
13 2017.

14 6. Attached hereto as **Exhibit 3** is a true and correct copy of a June 16 letter sent
15 from counsel for KSEA to counsel for Stryker.

16 7. Attached hereto as **Exhibit 4** is a true and correct copy of a June 19 letter sent
17 from counsel for Stryker to counsel for KSEA.

18 8. Attached hereto as **Exhibit 5** is a true and correct copy of a July 21 letter sent
19 from counsel for Stryker to counsel for KSEA.

20 9. Attached hereto as **Exhibits A1 – A7, B1 – B7, D1 – D8 and E1 – E3** are true
21 and correct copies of Stryker’s claim charts corresponding to Stryker’s Second Supplemental
22 Invalidity Contentions. Stryker’s claim charts labeled C1 – C7 are not attached hereto because
23 they relate to a patent no longer at issue in this litigation.

24
25 I declare under penalty of perjury under the laws of the United States that the foregoing is
26 true and correct.

Respectfully Submitted,

Dated: September 8, 2017

/s/ Michael J. Kosma

Michael J. Kosma

Attestation

As the attorney e-filing this document, pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that Michael J. Kosma has concurred in this filing.

DATED: September 8, 2017

BECK, BISMONTE & FINLEY, LLP

By: /s/ Alfredo A. Bismonte
Alfredo A. Bismonte

Attorneys for Plaintiff,
Karl Storz Endoscopy-America, Inc.